

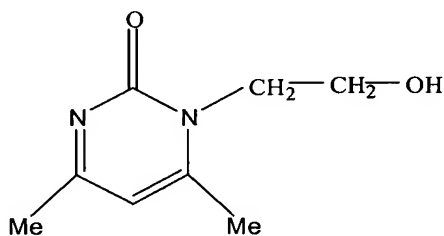
### REMARKS

There is support for X or Y representing C=O or C=S and Z not representing C=O in the table on page 9 of this application specifically S. Nos. 1, 2, 3 and 5.

The Examiner has rejected claims 26 and 27 as being anticipated by a number of references. Applicants respectfully traverse these rejections.

Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *In re Paulsen*, 30 F.3d 1475, 31 USPQ 1671 (Fed. Cir. 1994). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

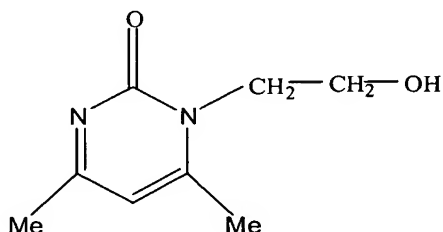
Claim 26 was rejected under 35 U.S.C. 102(b) as being anticipated by Taran et al. (DN113:122566,HCAPLUS,Abstract of Zashch. Met.(1990),26 (3), 483-6). compound of RN 14716-32-6 is of the structure



In the compound of formula (VIII), Z is positioned between the two nitrogen atoms. In the structure of the compound of RN 14716-32-6, the group corresponding to Z is an oxo group. According to claim 26 Z is C= or C=C. Therefore, since each of the features of the reference is not included in claim 26, claim 26 is not anticipated by Taran et al. (DN113:122566,HCAPLUS,Abstract of Zashch. Met.(1990),26 (3), 483-6).

It is respectfully requested that this rejection be withdrawn.

Claim 26 was rejected under 35 U.S.C. 102(b) as being anticipated by Abdrakhmanov et al. (DN 124:343330, HCAPLUS, abstract of RU 2044730). The compound of RN 176793-48-9 has the structure



In the structure of the compound of RN 176793-48-9, the group corresponding to Z is an oxo group. According to claim 26 Z is C= or C=C. Therefore, since each of the features of the reference is not included in claim 26, claim 26 cannot be anticipated by Abdrakhmanov et al.

Claim 27 was rejected under 35 U.S.C. 102(b) as being anticipated by Bagley et al. (DN 114:185242, HCAPLUS, abstract of EP 396282, US eq. 5,053,411, example 30). See compound of RN 131728-32-0. See examples 23 and 30 in US 5,053,411.

Claim 27 rejected under 35 U.S.C.102(b) as being anticipated by Kennis et al. (DN 114:102032, HCAPLUS, abstract of EP 378255, US eq. 5,140,029, example 1, intermediates 1 and 2). See compound of RN 132137-02-1 and 132137-03-2.

In claim 27 R<sup>1</sup>, R<sup>2</sup> and R<sup>3</sup> are substituents either on X, Y, or Z or on a nitrogen atom and are the same or different and represent hydrogen, alkyl, aryl, aralkyl, or carboxylic acid or its amides or sulfonic acid or its amides; or any two of R<sup>1</sup>, R<sup>2</sup> and R<sup>3</sup> along with the adjacent atoms to which they are attached may form a substituted or unsubstituted cyclic structure of 4 to 7 atoms with one or more

double bonds which may be carbocyclic or may contain one or more heteroatoms selected from oxygen, nitrogen and sulfur. Claim 27 does not define compounds where  $R^1$ ,  $R^2$  or  $R^3$  are SMe or NMe<sub>2</sub>. The compound in column 5 of U.S. Patent 5,140,029 does not anticipate claim 27 because  $R^1$ ,  $R^2$  and  $R^3$  of the compound of formula I are not NR<sup>4</sup>R<sup>5</sup>. Therefore, since all of the features of the references are not found in claim 27, claim 27 cannot be anticipated by these references.

Claims 26 and 27 rejected under 35 U.S.C. 102(b) as being anticipated by Gacek et al. (DN 87:53374, HCAPLUS, abstract of DE 2646676) See compounds of RN 63331-08-8; 63331-09-9; 63331-10-2; 63331-16-8, 63331-17-9; 63331-50-0).

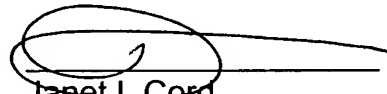
Claims 26 and 27 have amended so that one of X or Y represents C=O or C=S. According to this definition Z does not represent C=O. In addition, none of  $R^1$ ,  $R^2$  and  $R^3$  are defined as a halogen atom. Therefore since all of the features of this reference are not included in claims 26 and 27, Gacek cannot anticipate the claims 26 and 27 and it is respectfully requested that the rejection be withdrawn.

It is submitted that the duty of disclosure has been complied with and that references have not been buried. This application is the 5<sup>th</sup> application that claims priority from US patent application 08/777,627. References cited in the information disclosure statement filed in this application have been cited in the parent, grandparent, greatgrandparent applications etc. of this application. Patents have issued on all of these applications. In addition, applications corresponding to US patent application 08/777,627 have been filed and prosecuted abroad. Since the examiner has requested assistance in reviewing the references listed on the PTO 1449 filed in this application, a review of the references listed in the PTO 1449 was conducted. The Examiner may want to review US patents 5,036,079; 5,710,152

and 5,037,842; EP 0356214, 332332, 0419035, 676398, 708098, 733631 and 0787727; and WO 95/21608 and 96/11196. This, however, does not mean that these references are any more or less pertinent than any other reference listed in the form PTO 1449 filed in this application.

Accordingly the applicant submit that the present application is in condition for allowance and favorable consideration is respectfully requested.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Janet L. Cord", is written over a horizontal line.

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